IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18905 of 2004

Between:

K.Sarala, d/o K.Chennaiah,, aged 45 years,

Occ: SGT in Sri Venkateswara High Schoo,
Orus, Warangal, Warangal District.

..... PETITIONER

AND

1 The State of A.P., rep., by its Principal Secretary to Government,

Education Department, Secretariat, Hyderabad.
2 The Director of School Education, Government of Andhra Pradesh,

Hyderabad.
3 The District Education Officer, Warangal, Warangal District.
4 The Correspondent, Sri Venkateswara High School,
Orus, Warangal, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue appropriate writ or order/direction more particularly one in nature of writ of mandamus declaring the action of the respondents No.1 to 3 in not sanctioning the Grant-in-Aid arrears to the petitioner from 01-06-1985 to 30-10-1989 as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents No.1 to 3 to pay the Grant-in-Aid arrears from 01-06-1985 to 30-10-1989.

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondent Nos.1 to 3: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

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ORDER:

The petitioner is working as a Teacher in the 4th respondent School. He contends that as per G.O.Ms.No.344 Education dated 22.07.1985, the 4th respondent School was admitted to grant-in-aid with effect from 01.06.1985. He further contends that as per G.O.Ms.No.326, dated 17.10.1989 and G.O.Ms.No.178, dated 23.07.1990, the 1st respondent has to release arrears for the period from 01.06.1985 to 30.10.1989. The grievance of the petitioner is that the 1st respondent has already released the arrears of grant-in-aid to some of the teachers, but not released to the 4th respondent institution. Therefore, he approached this Court through this writ petition, seeking to direct the 1st respondent to release the arrears of grant-in-aid for the period from 01.06.1985 to 30.10.1989.

2. The learned counsel for the petitioner submitted that the controversy raised in a similar writ petition was already resolved by this Court in W.P.No.28532 of 1996, dated 27.3.1997, which was also affirmed by the Supreme Court in Civil Appeal No.2422 of 1997, dated 07.08.2000, and consequential orders were also issued by the Government in G.O.Rt.No.144, Education (PS-2) Department, dated 04.11.2000.

3. I have gone through the Judgment of the Supreme Court in Civil Appeal No.2422 of 1997 and also the G.O.Rt.No.144 dated 04.11.2000. Once the Government had issued an order, the petitioner is also entitled for the same benefit and the respondents cannot deny the same benefit to the petitioner.

4. Having regard to the facts and circumstances of the case, the respondents are directed to extend the benefit of G.O.Ms.No.326

dated 17.10.1989 and G.O.Rt.No.144 dated 04.11.2000 to the petitioner also, if he is otherwise eligible.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To

1. The Principal Secretary to Government,

Education Department, Secretariat,

Government of Andhra Pradesh, Hyderabad

2. The Director of School Education,

Government of Andhra Pradesh, Hyderabad

3. The District Education Officer,

Warrangal, Warangal District

4. Two CCs to the Government Pleader for School Education,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies.